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4 IRISH HELP AT HOME LLC., et al.,
5 Plaintiffs,
6 v.
7 ROSEMARY MELVILLE, et al.,
8 Defendants.
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10 Case No. [13-cv-00943-MEJ](#)
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13 **ORDER IN PREPARATION FOR**
14 **HEARING ON CROSS-MOTIONS FOR**
15 **SUMMARY JUDGMENT**

16 Re: Dkt. Nos. 28. 29
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18 On January 22, 2015, the Court will hear the parties' arguments on their cross-motions for
19 summary judgment. Dkt. Nos. 28 & 29. The parties should come prepared to discuss and present
20 authority in support of their positions related to the following topics:

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- 22 1) Whether the United States Citizenship and Immigration Service ("USCIS") considered the
23 letter from the California Association for Health Services at Home, stating that "it is a
24 general prerequisite, that a position of this kind [the deputy controller position] be filled
25 with a possessor of a four year Bachelor's degree in Financing." Admin. R. 322. If not,
what is the impact of USCIS's failure to consider this evidence?
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- 27 2) Whether the submission of the beneficiary's academic records was mandatory under
28 8 C.F.R. § 214.2(h)(4)(iv), and whether Plaintiffs' failure to submit those records
necessarily requires the denial of their petition.
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- 30 3) Whether 5 U.S.C. § 704 or another authority permits the Court to review USCIS's
procedural actions, including its choice to not to issue a Request for Evidence of the

1 beneficiary's academic records.

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- 3 4) Whether the document "SUBJECT: Requests for Evidence and Notices of Intent to Deny,
4 2013 WL 2729808," a June 3, 2013 USCIS Policy Memorandum, provides any authority
5 in interpreting 8 C.F.R. § 103.2(b)(8).
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- 7 5) Whether the Court may remand this matter to USCIS for consideration of evidentiary
8 issues or other matters.
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11 **IT IS SO ORDERED.**

12 Dated: January 21, 2015

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15 MARIA-ELENA JAMES
16 United States Magistrate Judge

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United States District Court
Northern District of California